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 Attorneys for Defendant  
 FLOORTOWN, INC.

UNITED STATE DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

|                  |   |  |
|------------------|---|--|
| JAMES JONTE      | } | Case No. CV 08 3587  |
| Plaintiff,       |   | <b>STIPULATION FOR TELEPHONIC<br/>         APPEARANCE AT CASE<br/>         MANAGEMENT CONFERENCE AND<br/>         PROPOSED ORDER</b> |
| vs.              |   |  |
| FLOORTOWN, INC., |   |  |
| Defendant.       |   |  |

The parties to this action, by and through their respective counsel of record, hereby stipulate and agree to telephone appearance at the Case Management Conference scheduled for February 6, 2009 at 8:30 A.M., in Courtroom 8. The following counsel will be making the telephonic appearance:

| <u>Attorney</u>               | <u>Party Represented</u>   |
|-------------------------------|----------------------------|
| Mike Ewing, Esq. 707-263-6400 | Defendant, FLOORTOWN, INC. |

I hereby attest that I have on file all holograph signatures for any signatures by a "conformed" signature (/S/) within this efiled document.

**IT IS SO STIPULATED.**

|                         |   |
|-------------------------|---|
| DATED: January 15, 2009 | By: <u>/S/</u><br>Mike Ewing, Attorney for Defendant<br>FLOORTOWN, INC. |
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|-------------------------|--|
| DATED: January 15, 2009 | By: <u>/S/</u><br>Cliff Weingus, Attorney for Plaintiff<br>JAMES JONTE |
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**PROPOSED ORDER**

Based upon the above Stipulation, counsel for Defendant may make a telephonic appearance at the Case Management Conference scheduled for February 6, 2009 at 8:30 A.M., in courtroom 8.

DATED: January 16, 2009

UNITED STATES DISTRICT COURT JUDGE

